



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 16 1990

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Honorable Donald W. Riegle
United States Senator
Central Regional Office
705 Washington Square Building
109 West Michigan Avenue
Lansing, Michigan 48933

Dear Senator Riegle:

Thank you for your letter of January 25, 1990, on behalf of your constituent, Mrs. Erna Seiss, who requested information about closure requirements for underground storage tanks (USTs) that were closed nearly 30 years ago.

Federal UST regulations do not require that all USTs closed before the regulations became effective (December 1988) meet the full range of closure requirements, which can include tank removal or closure in place and site assessment. Instead, EPA believes that -- for tanks closed before December 1988-- the closure provisions should only be applied selectively under the discretionary authority of the implementing agency, in your constituent's case, the Michigan Fire Marshal. These agencies are in the best position to identify old tanks that may have been improperly closed, and to gauge the nature and extent of the threat posed by those tanks. Thus, the regulations do not require owners and operators of previously closed tanks to comply with the closure provisions unless they are directed to do so by the implementing agency when it determines there is a reasonable probability that the tank poses a potential threat to human health and the environment either now or in the future. There are no "waivers" available from EPA that would remove any requirements placed on your constituent's USTs as determined by the Michigan Fire Marshal.

I hope that the information in this letter will be helpful to you in responding to your constituent. Please do not hesitate to contact me if I can be of any further assistance.

sincerely yours,

Ronald Brand, Director
Office of Underground Storage Tanks